

REMARKS

This is in response to the Official Action of November 22, 2005. Entry of the Amendment, reconsideration of the rejection and allowance is respectfully requested.

A set of formal drawings are included herewith, and it is believed that the reference characters are clearly identifiable, and that the extraneous lines and the like have been removed.

The Examiner indicated that motor 16 was not shown in FIG. 1, but it is in fact shown schematically at 16 in FIG. 1.

The guides 34 are narrow walls shown in FIG. 1, underneath the slide housing 42, so that the slide housing is mounted between the top wall 32 and the lower guides 34. These are also shown in FIG. 9, and labels have been put on those portions in FIG. 9.

The reference character 80 has been provided on FIG. 7, and some additional reference characters have been provided on additional Figures for clarification.

In regard to the objections to the specification, the reference character 5 has been corrected in FIG. 5.

The specification has also been amended to clarify matters relating to the construction of FIG. 3. It is believed that the slide housing and the guides are now properly disclosed. Terminology has been corrected to provide antecedent basis for the claimed subject matter, and the "retainers" of claims 4 and 7 have been changed to "stops" which are disclosed at 70 in the figures, particularly in FIGS. 3 and 5.

The Examiner indicated that FIGS. 3-6 and 9 were not described in any detail in the specification, but these figures show details that are fully described in the specification. The Applicant has now amended the specification and made reference to these figures to more fully tie in the figures to the description along with some additional explanation wording. It is believed

that the disclosure is in compliance with the statute, as amended. Approval is respectfully requested.

In regard to the rejection of the claims, it is respectfully requested that this rejection be reconsidered in view of the amendments made to claim 1 and to claim 7 and the dependent claims.

Claims 1, 3, and 7-12 were rejected as anticipated by the Eftefield et al patent.

While Eftefield et al., Patent No. 5,511,868 does show a recoil or spring loading mechanism for an endless track, with two springs of different rates, the arrangement for loading is substantially different from that now described in independent claims 1 and 7.

In claim 1, the track tensioner arm supports the roller, and the claim includes a tubular slide housing (42) and the spring assembly within the tubular slide housing. The slide housing is slidably guided on the track frame with a support, so that it has a unique ability to provide stability for the roller that resists the track tension, as the slide housing may slide back and forth relative to the support on the track frame. The slide housing is tubular, and surrounds the spring assembly. The spring assembly is further defined as having a base plate adjacent the track roller support, and an interior slide plate that is guided on the interior of the slide housing and is positioned between the first and second springs. The first spring is specifically mounted between the slide plate on the interior of the slide housing and a force reaction wall to react spring force to the force reaction wall, while the first spring loads the slide plate against the second stronger spring.

The mechanical stop that is provided engages the slide plate specifically after the first spring is compressed by loads and the track tensioner arm. It is positive stop which will in

its stopping position transfer forces that tend to compress the second stronger spring to the reaction wall.

This assembly as claimed in claim 1 is capable of withstanding loads in not only an axially direction of the spring, but because of the slide housing, can provide for sliding support of some eccentric or off-center loads without excessive wear.

The Eftefield et al. device on the other hand, appears to have two separated tubular sections 44 and 46. The plate 54 has ears that extend out of tube 44 and engage member 46 as shown in FIG. 2. The plate 50 loads the first spring by sliding inside the member 46, and the plate 50' also appears to slide when the second stronger spring is compressed. Again, there is no slide plate on the interior of a well supported slide housing. The member 54 is loaded by the end of tube 46, to load tube 44. Which is a different arrangement than a series loading as described in claim 1.

Therefore, it is respectfully submitted that the structure of claim 1 defines inventively over the Eftefield patent, and any teaching in that patent. Not only is the Eftefield et al. structure not anticipatory of claim 1, but it is respectfully submitted that claim 1 is not an obvious modification of the Eftefield et al. patent.

Claim 2 specifically relates to the sleeve on the interior of the first spring as forming the mechanical stop, and this is a stop that will permit one to have the first spring compressed in a desired amount before this mechanical stop hits the slide plate, and then the loading of the second spring is by movement of the slide plate relative to the slide housing, which is held in position relative to the force reaction wall by the fixed length or mechanical stop comprising the sleeve.

Claim 3 also relates to a more detailed construction of the mounting of the first spring including the rod that has a

sleeve surrounding the rod, for stability, accuracy and great compression load carrying abilities. This is not shown or suggested in Eftefield et al. or the other references.

Claim 4 depends from claim 1 and relates to the guide rods for guiding the slide plate, and which are shown at 68 in FIG. 2 for example, together with the member 70 that will stop the sliding movement of the slide plate along the rods at a desired position that preloads the second heavy compression spring. This type of arrangement of guide rods likewise is not shown or suggested in the references.

Claims 5 and 6 have been canceled, and these features are incorporated in claim 1. Claim 1 therefore includes features that were rejected by a combination of the Yoshida patent and the Eftefield et al. patent.

However, in the Yoshida patent there is no teaching of a slide plate on the interior of a slide housing that is arranged to provide series loading of the springs essentially against one another. In the present claim 1 (and claim 7), the slide plate will move as the springs are loaded, and once the mechanical stop is in position, the slide plate actually slides within the slide housing that surrounds the springs.

In Yoshida, there is a fixed center stop member 11, that will hold the ends of the springs and react force from the springs to the center member. In Yoshida, the member 26 does slide through an opening, but it is not guided in a slide housing to bear against a slide member that is in turn supported on a slide housing and which permits the slide housing to slide as the mechanical stop holds the slide plate to compress the heavy spring. While Yoshida, and Eftefield do provide for first and second springloads, the present application and invention defines novelty and nonobviousness over the combined references.

The sleeve that is shown in FIG. 4 of the Yoshida patent deals only with a stop for a first spring as was done in

the prior art, and does not provide for a sequential series loading of springs as claimed in claims 1, 7 and their dependent claims.

The Examiner indicated that mechanical stop of Eftefield et al. could comprise a sleeve, in view of the teachings of Yoshida, but the Eftefield et al. patent has no provision for such sleeve, and there is no suggestion at all that the lighter spring 34 would be limited by some type of sleeve stop.

In regard to claim 7, the claim is believed to define inventive features by reciting the particular slide housing that has first and second springs on the interior of the housing and with the slide plate that is slidably mounted in the slide housing. The slide plate is positioned between the adjacent ends of the first and second springs, as distinguished from the Ettefield patent that has two separate tubular housings for the springs and is not adapted to provide for sliding plate within a single housing. In fact, it does not teach a use for a single slide housing.

Claim 7 further includes a guide that is fixed to the arm adjacent the first end of the second spring and slidably mounts the slide plate, with stops on these guides to provide for compressing the second spring and retaining the second spring at a desired compression. This adjustability of the second spring or higher force spring to pre-load it, is not shown or taught by the use of guide members in the Eftefield et al. or the Yoshida patents.

Specifically, the stop that is provided in claim 7 between the reaction member and the slide plate to limit the amount of compression of the first spring, again is not taught or suggested in the references, when combined with a slide plate that moves in an outer slide housing as claimed in claim 7.

It is further emphasized that the sleeve of the Yoshida patent would not serve any substantially purpose in Eftefield et al. or because of the arrangement of the two portions 44 and 46 that load each other in Eftefield.

Claims 8 is specific to the use of a center shaft, that has the stop member carried on such shaft, and this construction gives great stability and positive stopping of the spring compressioning. Claim 9 includes the nuts on this shaft, and while nuts are used for tightening, in this arrangement, the claim is allowable.

It is further believed that claim 10 defines patentability in that it uses the shaft rotation for the members to pre-tension the first spring, and claims 11 and 12 add details to the ability to lock the threadable shaft in position that is desired.

In view of the above amendments detailed, it is respectfully requested that claims be allowed.

Again, new formal drawings are enclosed, which are believed to comply with the requirements, and it is also believed that no new matter has been entered into amendments to the specification in that they are within the teachings of the original specification and claims as well as the drawings.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:

Nickolas E. Westman, Reg. No. 20,147

Suite 1400 - International Centre

900 Second Avenue South

Minneapolis, Minnesota 55402-3319